

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.19432 of 2012
Date of Decision:18.03.2015**

Ravi Kanta and another

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.G.S. Bal, Sr. Advocate, with
Mr.Sewa Singh, Advocate,
for the petitioners.

Mr.Ashish Sharma, Addl. A.G. Punjab.

RAKESH KUMAR JAIN, J.

The petitioners are aggrieved against the order dated 28.5.2012 whereby their claim for grant of pay scale of college Lecturers has been declined, prayed in this petition for issuance of a writ in the nature of certiorari for quashing the order dated 28.5.2012 and for issuance of a writ in the nature of mandamus directing the respondents to grant them pay scale of college Lecturers in view of the nature of duties and qualifications being at par with the college Lecturers and to grant all consequential benefits including the designation of college Lecturers.

At the outset, learned counsel for the petitioners has submitted that he is not pressing for the designation of the petitioners as college Lecturers, but the other prayers have been pressed.

In brief, the petitioners have alleged that they are Post Graduates and possess diploma in Commercial and Secretarial

Practice. They were appointed as Commerce Instructors on 10.12.1987 in the pay scale of ₹700-1200 through a properly constituted Departmental Selection Committee of the office of respondent No.2. They joined as such on 22.12.1987. It is alleged that they have been performing the same duties as of the Lecturer in Commerce and Secretarial Practice or Lecturer in Stenography. There were only 12 sanctioned posts of Commerce Instructors out of which 6 have already retired and since no further recruitment has been made, therefore, it is a dying cadre but they are being paid pay scale different from the pay scale of College Lecturers, who are being paid the pay scale of ₹700-1600 w.e.f. 1.1.1973 and ₹2200-4000 w.e.f. 1.1.1986 as per order dated 28.2.1998 (Annexure P-3). The petitioners made the representation in this regard but since it was not decided, they filed CWP No.21512 of 2011 which was disposed of by this Court on 18.1.2012 directing the respondents to consider their claim. Pursuant to the said order, the impugned order has been passed on 28.5.2012 declining the prayer of the petitioners on the ground that the duties of the Commerce Instructor is to assist the Lecturer in the practical in the class, they have not given any period to teach, therefore, their qualification, degree and manner of recruitment is different from the college Lecturer and cannot be granted the same pay.

Aggrieved against the order dated 28.5.2012, the present writ petition has been filed.

Learned counsel for the petitioners has argued that the petitioners are teaching the period of Officer Management and therefore, they are similarly situated with the college Lecturers and

are entitled to the same pay scale as that of the commerce Lecturers.

Reply to the petition has been filed by the Assistant Director (Estt.) O/o DPI (Colleges), Punjab, in which it is alleged that the Commerce Instructors are the supporting staff of the Lecturers and their duties, responsibilities and qualifications are different, therefore, no parity can be maintained. The required qualification for their appointment has also been reproduced.

I have heard both the learned counsel for the parties and after examining the record, am of the considered opinion that there is no merit in this case. While rejecting the prayer made by the petitioners vide impugned order dated 28.5.2012, the educational qualification of the Government College Lecturers and Commerce Instructors were given, which are reproduced as under:-

	<i>Lecturer</i>	<i>Commerce Instructors</i>
1.	<i>BA 50%</i>	<i>1. MA/MSc/M. Com./or BA/BSc/B.Com with minimum of 50%.</i>
2.	<i>MA 55%</i>	<i>2. Shorthand speed in English Dictation at 100/120 words per minutes and 20 wpm in Punjabi Dictation with Shorthand Diploma.</i>
3.	<i>NET/MPhil.</i>	<i>3. 30 w.p.m speed in English and Punjabi.</i> <i>Note:- The candidates having experience of working as Senior Scale Stenographer/Junior Scale Stenographer/Steno Typist of 5 years, shall be exempt from having 50% marks in BA/BSc/BCom.</i>

4.	<i>Selection through Punjab Accounts Service Commission</i>	4. <i>Selection is made through Departmental Selection Committee.</i>
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Since, the qualification and method of recruitment of the Lecturer and Commerce Instructor are altogether different and the lecturer has to possess higher qualification than the Instructor, the pay scale cannot be equated as the Lecturer exercise/dischARGE higher responsibility and merely because the petitioners, who otherwise also belonging to dying cadre, allegedly takes up a class of Office Management, would not step into the shoes of college Lecturer for the purpose of claiming the same pay scale.

Thus, in view thereof, I do not find any merit in the present writ petition and the same is hereby dismissed.

18.3.2015
Vivek

(RAKESH KUMAR JAIN)
JUDGE